

REMEDATION AND REDEVELOPMENT (RR) NEWS FROM WISCONSIN DNR January 21, 2004

SAG RULE REVISIONS

The RR Program is requesting approval from the Natural Resources Board (NRB) to hold hearings on improvements to the Site Assessment Grant (SAG) rules, ch. NR 168. This item will be on the NRB's agenda for the January 27-28 meeting. The proposed rule changes and the green sheet package are on the web at http://dnr.wi.gov/org/aw/rr/wi_regs/index.htm#anchor74198.

DERF STATUTORY CHANGES

For a preview of proposed statutory changes to the Dry Cleaner Environmental Response Fund (DERF) please see "What's New for 2004" on the DERF web page at - <http://dnr.wi.gov/org/aw/rr/financial/dryclean.html>.

AVOID THE BOMB SQUAD!

Given heightened security concerns, DNR is requesting that consultants clearly label drums of investigative wastes. The Green Bay bomb squad was called over the holidays to inspect a drum of unknown origin found adjacent to a footing on the I-43 bridge. Fearing an assault on bridges, Coast Guard personnel who spotted the drum called the bomb squad to investigate, and fortunately also contacted DNR. After checking with the DNR spill coordinator, the drum was associated with a nearby PECFA site. Although the drum was labeled "soil cuttings", Coast Guard and bomb squad personnel didn't know the meaning of that term. DNR therefore asks consultants to put the following information on drums with a paint pen: BRRTS number, date, name of consultant, and contents (i.e. soil/water investigative waste). This will be helpful in saving state and local resources in response to "abandoned or unknown containers", as well as helping to alleviate public fears.

STAFF REDUCTIONS - NO MORE OPTIONS

The RR Program has been hit by state budget reductions. The governor's budget repair bill in the previous biennium eliminated 7 full time employees (FTEs). The Legislature then eliminated 10 additional FTEs by removing agrichemical fees from the revenue stream into the Environmental Fund (EF) in the first year of the 2003-05 budget. In the second year of the budget the Legislature eliminated another 9.5 FTE through its decision not to raise the vehicle impact fee, which is another revenue source to the EF.

Staff reductions prior to the second year of the 2003-05 state budget, effective July 1, 2004, may not have been readily apparent. The RR Program handled the initial loss of 7 FTE by eliminating all vacant positions and by reducing 1 FTE's employment to half time. Next, we covered the loss of 10 FTE in the first year of the current biennium by obtaining a new federal brownfields grant from EPA and redirecting 10 state-funded staff to grant eligible work.

As we enter the second year of the biennium, however, another 10 FTE are at risk of layoff, representing 10% of our remaining workforce of 102, and we have exhausted all of our alternatives to layoff. Supervisors of 10 employees have already informed them that they are at risk of layoff. Names and locations of these at-risk staff have not been announced and will not be released at this time.

We expect that other DNR workforce reductions will have additional impacts on the RR Program. This is because at-risk staff in other programs may have more seniority than RR staff, and they may exercise their collective bargaining "bumping" rights and replace experienced RR staff. Another result of collective bargaining agreements is that state-funded limited term employees (LTEs) must be eliminated before layoffs of permanent staff take place within their job classification (e.g. hydrogeologist, engineer, etc.).

In addition, DNR programs have already been instructed to plan further position reductions for the 2005-07 state budget, which begins in July of 2005. We expect that our stakeholders will notice reductions in the services that the RR Program can provide, such as reduced capacity to respond to certain spills, to provide timely technical decisions (e.g. case closure), administer SAG and Greenspace grants, update our web site and our database of contaminated sites, etc.

Supervisors have begun discussions regarding identifying tasks that we will no longer be able to perform.

BUDGET REDUCTIONS AFFECT ENVIRONMENTAL FUND

In another significant budget impact, the RR Program is losing \$880,000 in spending authority from the Environmental Fund (EF) in the second year of the current biennium, starting in July of 2004. This reduction affects the Repair Account portion of the EF, the portion that is used to contract for environmental responses. The reduction means that we will have reduced capacity to clean up contamination at "orphan sites" with no viable responsible parties. We expect to focus our remaining EF capacity on emergency situations (spills, contaminated wells, etc.) and on maintenance of remedial actions that we have already initiated, such as leachate and gas extraction at landfills. We will not be able to begin the same number of site investigations as we have in past years. These investigations sometimes confirm the identity of responsible parties who then are required to complete the investigation as well as any needed remedial actions.

INTERIM GUIDANCE ON CONTAMINATED SEDIMENTS

DNR's Contaminated Sediment Team has prepared interim guidance for responding to contaminated sediments. The guidance has been approved by both DNR's Watershed Management and Remediation and Redevelopment Management Teams. "Consensus Based Sediment Quality Guidelines: Recommendations for Use and Application", publication WT-732 2003, is on the web at <http://dnr.wi.gov/org/aw/rr/technical/index.htm#remedies>. The guidance is largely based on toxicological research that establishes relationships between contaminant concentrations in sediments and effects on bottom dwelling aquatic organisms. It is intended to assist both staff and external stakeholders in addressing contaminated sediments, and should be applied solely as guidance for the initial stages of a site assessment. DNR believes that this interim guidance may allow some responsible parties to move ahead with remediation of contaminated sediments without incurring the costs and delays often associated with detailed site-specific studies and risk assessments. For more complex sites, a site-specific risk based approach following federal Superfund guidance may be preferable. The interim sediment guidance will be updated as more experience is gained, and as emerging science and technologies are reviewed. Comments and concerns on the interim guidance may be sent to "Guidance Revisions"-RR/3, WDNR, P.O. Box 7921, Madison, WI, 53707.

CORRECTION - NEW DNR WEB ADDRESS

In the January 14th "RR News from DNR" we highlighted DNR's new, simpler web address. Unfortunately, this author copied her old book-marked web address into the message rather than the new address. This is the type of thing you can avoid by book-marking the new address, which is <http://dnr.wi.gov>. Fortunately, the old web address still works.

GREEN BUILDING GRANTS

The Kresge Foundation has announced a new green building grant program for nonprofit organizations. Details are on line at: <http://www.kresge.org/initiatives/index.htm>

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